IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 23833 of 2007(K)

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PETITIONER:

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JOSEPH ROSA, W/O. JOSEPH,AGED 81 YEARS, PRESENTLY R/A CHOVELIKUDIYIL (H),34/844,KARUVELIL ROAD,MAMANGALAM,EDAPPALLY P.O.,KOCHI-24. (REP.BY HER SON AND P/A HOLDER SHRI C.J.JOY, S/O. JOSEPH, CHOVELIKUDIYIL HOUSE, 34/844, KARUVELIL ROAD, MAMANGALAM, EDAPPALLY P.O., KOCHI-682 024).

BY ADV. SRI.V.J.JAMES

RESPONDENTS:

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1. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., REPRESENTED BY ITS GENERAL MANAGER, P.B.NO.140, KOTTAYAM.

2. K.J. PHILIP, THE PRESIDENT, KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., P.B.NO.140, KOTTAYAM.

3. THE DY. GENERAL MANAGER, THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., P.B.NO.140, KOTTAYAM.

4. SHRI BABU, SUPERINTENDENT, INDIVIDUAL LOAN SECTION, THE KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., P.B.NO.140, KOTTAYAM.

5. THE MANAGER, KOTTAYAM DISTRICT CO-OPERATIVE BANK LTD., KOLLAPALLY BRANCH, ANTHINADU P.O., DIST.KOTTAYAM.

*6. V.A. THOMAS, S/O. AVIRAM VADAKKEDATHU HOUSE MERRYLAND P.O., PALA, KOTTAYAM DIST.

*7. JOBBY THOMAS, S/O. V.A. THOMAS
VADAKKEDATHU HOUSE,
MERRYLAND P.O., PALA,
KOTTAYAM DIST.

ADDL. RESPONDENTS 6 AND 7 ARE IMPLEADED AS PER ORDER DT. 21.8.07 IN I.A. 11499/07.

BY SRI. T.R. HARIKUMAR, SC, DIST. CO-OP. BANK, FOR R1 AND R4
ADV. SMT.M.LALITHA NAIR FOR R6 AND R7

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO 23833/07

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. COPY OF THE GENERAL POWER OF ATTORNEY NO.605/4/2004 OF EDAPPALLY SRO EXECUTED BY THE PETITIONER

EXT.P2. COPY OF THE TITLE DEED OF THE PETITIONER

EXT.P3. COPY OF THE RECEIPTS DT. 30.5.07 ISSUED BY THE 5TH RESPONDENT

EXT.P4. COPY OF THE LETTER DT. 30.5.07 ADDRESSED TO THE 3RD RESPONDENT BY THE 5TH RESPONDENT

EXT.P5. COPY OF THE LETTER DT. 12.6.07 ADDRESSED TO THE 1ST RESPONDENT BY THE PETITIONER

EXT.P6. COPY OF THE POWER OF ATTORNEY DT. 25.7.07 EXECUTED BY THE PETITIONER

/TRUE COPY/

PA TO JUDGE.

**A.K. BASHEER, J.**

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**W.P.(C). NO. 23833 OF 2007**

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Dated this the 22nd day of August, 2007

**J U D G M E N T**

In view of the intervening developments, I do not deem it necessary to refer to the various contentions raised either by the petitioner or respondent No.1, the Bank.

2. It is the admitted position that the entire amount payable to the Bank in the loan account in question has been paid off by the petitioner, who had mortgaged her property as security for the loan advanced to respondents 6 and 7. But the Bank had some reservations about returning the title deeds to the petitioner since it thought that the petitioner ought to have produced the registered power of attorney authorising the son of the petitioner to receive the original title deeds from the Bank. It is submitted on behalf of respondents 6 and 7 that they have absolutely no objection in releasing the original title deeds to the power holder on the strength of power of attorney produced before the Bank.

3. Learned Standing counsel for the Bank submits that in view of the above developments, the title deeds will be released to the

power holder. Learned counsel for respondents 6 and 7 also invites my attention to Ext.P4 in which the General Manager of the Bank had in fact directed the Branch Manager to release the title deeds to the power holder.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to release the title deeds to the Power of Attorney Holder of the petitioner forthwith.

**A.K. BASHEER, JUDGE**

vps

**A.K. BASHEER, JUDGE**

**OP NO.20954/00**

**JUDGMENT**

**1ST MARCH, 2007**